

Attorney/Party Name, Address, Phone, Fax, E-mail:		For court use only	
		<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF HAWAII</b>	
		Case No.	
		Chapter:	
Debtor:		Social Security No. (last 4 digits):	
Joint Debtor:		Social Security No. (last 4 digits):	
<b>MOTION TO AVOID LIEN; NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST A HEARING</b>			
Secured Creditor(s): [Name and Address]			Account No. [at least last 4 digits]
Collateral: [if real property, state address or TMK; if vehicle, state Vehicle I.D. No., Year, Make, Model, Mileage]			
Nature of Lien:	Judicial	Nonpossessory, non-purchase money security interest in: household goods      tools of the trade      health aids	
Debtor's Valuation:	\$	Value based on:	
Upon Avoidance, Claim Will Be Treated As:	Secured to the extent of (\$0.00 if avoided in entirety): \$ (Balance to be treated as general unsecured claim.)		

Pursuant to 11 U.S.C. § 522(f) and Fed. R. Bankr. P. 4003(d), Debtor moves to avoid the fixing of a lien on Debtor's interest in the above-described property to the extent that such lien impairs an exemption to which Debtor would have been entitled. Based on the allegations stated here and in any supplemental documents, Debtor requests that the above-named creditor's claim be treated as indicated above, and that it supersede any amount asserted as secured in the creditor's proof of claim.

1. Amount of lien being avoided:	\$	
2. Amount of other liens on property (see 11 U.S.C. § 522(f)(2)(B)):	\$	
3. Amount of exemption under _____ if no liens:	\$	
4. Total of lines 1, 2, and 3:		\$
5. Value of Debtor's interest in property in absence of any liens:		\$
6. Extent of impairment under 11 U.S.C. § 522(f)(2)(A) - line 4 less line 5:		\$
7. Amount, if any, by which line 1 exceeds line 6 (this amount to be treated as secured):		\$

**NOTICE IS HEREBY GIVEN** that this motion filed by the Debtor(s) concerns your interest in the above-described property. If the motion is related to a Chapter 13 plan, a copy of the plan should have been sent to you separately.

Your rights may be affected. You should read the motion and any related documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to approve the proposed treatment of your claim, or if you want the court to consider your views on the motion, then:

**Chapter 13 case:** If this motion is related to a proposed Chapter 13 plan, you or your attorney must file an "Objection to Chapter 13 Plan / Related Motion" not later than 20 days after the date of the notice of the conclusion of the meeting of creditors or 20 days after service of this motion and notice, whichever is later. The objection to the motion will be considered at the hearing on plan confirmation.

**Case under other chapter:** If this motion is not related to a Chapter 13 plan, you or your attorney must file an "Objection and Request for Hearing" not later than 20 days after the date the motion was filed.

Any objection or other response must be filed with the court at the address below. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the deadline stated above.

United States Bankruptcy Court  
District of Hawaii  
1132 Bishop Street, Suite 250L  
Honolulu, Hawaii 96813

If you or your attorney do not file a timely objection, the court may decide that you do not oppose the relief being sought in the motion and may enter an order granting the relief requested by the Debtor(s). The determination made in such an order will supersede any security interest stated in a proof of claim that you have filed or will file.

#### **ADDITIONAL NOTICE FOR MOTION RELATED TO CHAPTER 13 PLAN**

If this box and one below are checked, provision(s) in the proposed Chapter 13 plan may arguably be contrary to the Bankruptcy Code, as amended October 17, 2005. If so, the court may grant the motion to avoid lien and confirm the plan only if you accept the treatment of your claim under the plan. If you do not want to accept the plan, you must file a timely objection to this motion and the plan. If you do not file a timely objection, you will have accepted the plan. If the court enters a confirmation order, the plan's provisions will be binding on you and the Debtor(s).

The plan provides that you will NOT retain your lien in the property described above until paid in full under nonbankruptcy law or until a discharge is issued to the Debtor(s).

The plan provides for the avoidance of a lien in household goods that are not included in the definition of "household goods" in 11 U.S.C. § 522(f)(4).

Other *[Attach explanation if more space needed]*:

Date: \_\_\_\_\_

/s/ \_\_\_\_\_  
Debtor / Joint Debtor / Attorney